



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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February 1, 2012

Ref: OCPI

Karmen King
Grayling, LLC
18050 Rd G
Cortez, CO 81321

RE: Upper Cement Creek, Silverton, Colorado

Dear Ms. King:

Thank you for your September 27, 2011 letter regarding Upper Cement Creek. We also thank you for sharing specific recommendations to address the watershed.

As you may be aware, we have heard from industry, citizens and other stakeholders who have voiced interest in working collaboratively to address water quality in Upper Cement Creek. We'd like to assure you that the United States Environmental Protection Agency (EPA) has not made a decision concerning listing of the Upper Cement Creek area. The decision to propose a site for the National Priorities List (NPL) can only be made after a technical evaluation is completed to determine if the site is eligible. The EPA is just completing this technical evaluation. In addition, both the State and the EPA seek community support prior to a site being proposed for listing and the EPA wants the community to understand why we are looking at this option.

More than 15 years ago the EPA committed to a community-based environmental protection effort in San Juan County, and indicated that Superfund would not be used as long as progress was being made in improving water quality in the Animas River. Unfortunately, water quality has significantly degraded in the Animas River in the last five years. It is evident that historic mine waste in Cement Creek, a tributary of the Animas River, is having a negative impact on the Animas. These impacts are likely related to cessation of water treatment in Gladstone and plugging of the American Tunnel. EPA has compared the last five years of data to earlier data sets that indicated improvements in water quality. The Animas River Stakeholder Group (ARSG) has summarized some of these data and the EPA is also evaluating these data. If experience in other mining impacted areas is any guide, the resources required for solutions to this sort of problem will be substantial, and long-term operation and maintenance of the solution or solutions may be required.

The EPA is working with other federal agencies, the State, community members and stakeholders to identify options to reverse the degradation and improve water quality in the Animas River. It is too soon to make conclusions about how best to correct this condition. However, if the best solutions require

substantial and long-term resources, CERCLA process and the NPL may be the best means to assure that full resources available to the EPA can be committed. EPA is also limited in its ability to fund interim actions and long-term projects that require ongoing operations and maintenance.

We look forward to continuing the dialogue with you and other citizens and stakeholders regarding possible options to address water quality issues in the Animas River and Upper Cement Creek. If you would like to discuss this further, please contact me at 303-312-6813 or lane.jennifer@epa.gov.

Sincerely,

Jennifer Lane
Community Involvement Coordinator

